

Remarks/Arguments

Claims 1, 3-8, and 11-23 are pending in the application. Applicants' representative appreciates the Examiner's courtesy during the telephonic interview on February 11, 2004. During the interview, the representative discussed certain aspects of the invention, particularly with reference to the features recited in independent claim 1. Applicants also clarified distinctions between the invention and the cited art. No agreement was reached.

The position set forth in the Office Action has been carefully considered. Reconsideration is respectfully requested.

L REJECTIONS OF CLAIMS 1, 3-8, AND 11-23 UNDER 35 U.S.C. §§ 102 AND 103

Claims 1, 5-8, and 11-23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,496,477 ("Perkins"). Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable based on the combination of Perkins and U.S. Patent No. 5,751,956 ("Kirsch"). All pending claims are believed to be allowable for at least the following reasons. Withdrawal of the rejection is respectfully requested.

The inventions defined in the pending claims are directed to a method, an apparatus and a computer program product for replicating a plurality of original packets in a packet flow received by a first device. Independent claim 1 requires, *inter alia*, "in the first device, identifying the original packets in the packet flow according to the at least one predetermined criterion." Other independent claims 19-23 contain recitations similar to those of claim 1.

The Examiner cited column 6, line 18 - column 7, line 50 referring to Fig. 1 as describing the above-identified claimed feature, i.e., "... identifying the original packets ... according to the at least one predetermined criterion," and pointed out that "using reference numeral 'i' associated with destination 105 of Fig. 1' corresponds to identifying the original packets as claimed. Applicants respectfully disagree.

As a preliminary matter, the Perkins patent fails to teach or suggest identifying the original packets according to the at least one predetermined criterion as claimed. It merely shows a system which "make[s] probable that the distinct streams of packets 111 and their dependent packets 113 will traverse different routes 119 and 117 through the network 100 from source 103 to destination 105." However, nothing in Perkins shows identifying packets in a packet flow.

Most notably, the portion cited by the Examiner regarding use of reference numeral "i" in Fig. 1 has nothing to do with identification of packets. Rather, the reference numeral "i" merely indicates that the components with such a reference are associated with the computer 105. See,

Appln. No.: 09/527,085
Atty Docket: CISC141/1947

column 7, lines 13-20 of Perkins. For example, the microphone 161.i, the loudspeaker 162.i, etc. correspond to the computer 105 while the microphone 161.1, the loudspeaker 162.1, etc. correspond to the computer 103. It is respectfully submitted that Perkins' reference numerals in no way suggests, implicitly or explicitly, identifying original packets in a packet flow according to at least one criterion as claimed. Therefore, the Perkins patent cannot be said to anticipate the inventions defined in independent claims 1 and 19-23.

As discussed in the previous response dated September 16, 2003, claim 1 further recites "receiving a request from a second device for connecting with the first device, the request identifying at least one predetermined criterion" and "receiving the packet flow with the first device." The Examiner cited column 5, line 38 - column 6, line 57 referring to Fig. 1 as describing these claimed features. However, Applicants respectfully submit that the cited portions do not teach these features of the invention as discussed below.

First, Perkins fails to teach that such a request identifies the criterion by which packets to be replicated are identified. The cited portion of Perkins (i.e., column 5, line 38 - column 6, line 57) is silent on a request which identifies a criterion. Perkins merely shows that two flows of packets are launched along two paths. There is no description in the cited portion about a request in general.

Second, Perkins does not teach "receiving the packet flow with the first device" as claimed. As the Office Action indicates, the Examiner seems to view the destination 105 as a second device, and the source 103 as a first device. As described at column 6, lines 18-31 of Perkins, "the source 103 inventively launches packets and their dependent packets as plural flows along plural paths 117 and 119 through network 100." In summary, the cited portion (i.e., column 5, line 38 - column 6, line 57) of Perkins merely shows the source 103 which generates two flows along paths 117 and 119. Perkins is silent on receiving a packet flow with the source 103. There is no description in the cited portion that the source 103 receives a packet flow as claimed.

As such, neither Perkins nor any of the cited references teach or suggest these features, either alone or in combination. If the Examiner believes that the claimed features discussed above are somehow implicitly suggested in the art of record, Applicants respectfully encourages the Examiner to identify a relevant portion of the references.

In view of the foregoing, the rejection of independent claim 1 over Perkins is believed overcome. Because dependent claims 3-8 and 11-18 incorporate all of the limitations of independent claim 1, the rejection of these claims are also believed overcome for at least the reasons discussed. In addition, because independent claims 19-23 recite similar limitations as those recited in claim 1, these claims are also believed patentable over the cited references for at

Appln. No.: 09/527,085
Atty Docket: CISC141/1947


3

least the reasons discussed above with reference to claim 1. Withdrawal of the rejections is respectfully requested.

II. CONCLUSION

Applicants believe that all pending claims are in condition for allowance, and respectfully request a Notice of Allowance at an early date. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 510-843-6200, ext. 245.

Respectfully submitted,
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Limited Recognition under 37 CFR § 10.9(b)

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Expires: August 28, 2004



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